

## REMARKS

Reconsideration is respectfully requested.

The Office Action dated November 28, 2003 indicates that Claim 2 would be subject to a double patenting rejection should Claim 1 be allowed. Claim 2 has been cancelled herein, to overcome this objection. Claim 4 has been cancelled, since the limitation of Claim 4 has been now recited in Claim 1.

Claim 1 has been amended to overcome the rejection under 35 U.S.C. § 102(b) over Nagata et al.

The present amendment adds the limitation reciting recited “the electrode terminals are exposed through the single non-magnetic layer,” which is supported by page 6, lines 26 and 27 in the specification and Fig. 3, for example. The limitation “each upper surface of the base member and the auxiliary member is curved so as to form the slider surface” is supported in the specification at page 7, lines 29-31 and at Fig. 3, for example. No new matter has been added.

As to the amended claim 1, it is stated in the Office Action that the base member in the Claim 1 corresponds to the substrate 1 of Nagata et al. (hereinafter “Nagata”), the thin-film magnetic head corresponds to components (2+10+7+11), the single non-magnetic layer corresponds to the non-magnetic layer 14, and the auxiliary member corresponds to the alumina film 16.

Applicants respectfully disagree with the above assertion made in the Office Action.

In Nagata (Fig. 1 and Fig. 2), a first insulating layer 4 is formed on an upper surface of the first yoke 2, and a second insulating layer 6 is formed on the first insulating layer 4. A magneto resistive element 7 is formed on the second insulating layer 6, and a third insulative layer 13 is formed on the magneto resistive element 7. A second yoke 10 and a third yoke 11 are formed over the magneto-resistive element 7 on a third insulative layer 13, and a non-magnetic layer 14 is formed on the second yoke 10 and the third yoke 11. The components (2+10+7+11) are

accommodated in a plurality of layers, and are not accommodated in “a single non-magnetic layer” as has been recited in Claim 1.

In addition, electrodes 8 and 9 are formed on the second insulating layer 6. Thus, the electrodes 8 and 9 are not exposed through the single non-magnetic layer, as is recited in Claim 1. In addition, the alumina film 16 seems to cover the electrodes 8 and 9. Thus, Nagata does not suggest that the “auxiliary member is bonded to the non-magnetic layer such that the electrode terminals are exposed,” also as now recited in Claim 1.

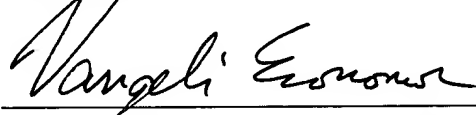
Further, in the Office Action the auxiliary member is equated with alumina film 16. However, as recited in the amended claim 1, each upper surface of the base member and the auxiliary member is curved so as to form the slider surface. Nagata fails to suggest that the alumina film 16 has a curved surface. Thus, Nagata does not suggest the auxiliary member made of a non-magnetic material that forms a curved slider surface with the base member and for these reasons, Applicants respectfully submit that the rejection is improper.

As mentioned above, the claimed structure of the magnetic head of the present invention is far different from that of Nagata. Therefore, Applicants respectfully consider that the amended claim 1 and dependent Claim 3 distinguish over Nagata and thus are patentable thereover.

It is also respectfully submitted that with respect to the rejection of Claim 3 based on Nagata and further in view of Isamura et al. (U.S. Patent No. 5,227,940), it is respectfully suggested that Isamura et al. fail to provide or teach the recited elements missing from Nagata, as described above. Moreover, no teaching or suggestion is present in either Nagata or Isamura et al. that the Nagata device should be modified, nor any incentive is provided as to why such a modification is desirable or even possible, other than the reason set forth in the Office Action, the “obvious to try or experiment incentive,” which is an impermissible standard for obviousness.

For the above reasons, it is considered that the claims, as amended, find support in the application specification as filed, and that the combination of elements recited in the pending claims, as amended, distinguish over the references of record. Accordingly, reconsideration and withdrawal of the outstanding rejections are respectfully requested an indication of allowable subject matter is earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Vangelis Economou", written over a horizontal line.

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